

HOUSE BILL NO. 535

INTRODUCED BY K. FUREY

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A COUNTY GOVERNING BODY TO REGULATE OR PROHIBIT THE EXPLOSION, USE, OR SALE OF FIREWORKS IN THE GOVERNING BODY'S JURISDICTIONAL AREA; AMENDING SECTION 50-37-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. County regulation of fireworks.** A county governing body may, by resolution, regulate or prohibit the explosion, use, or sale of fireworks, as defined in 50-37-101, within the governing body's jurisdictional area.

Section 2. Section 50-37-102, MCA, is amended to read:

"50-37-102. ~~Where~~ When chapter not to apply. (1) ~~Nothing in this~~ This chapter ~~shall~~ may not be construed to prohibit:

(a) the sale of any kind of fireworks to a person holding a permit issued under 50-37-107 at the display ~~covered by such permits, for which the permit was issued;~~

(b) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or blasting or other industrial use; ~~or~~

(c) the sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use by military organizations or organizations composed of veterans of the United States armed forces.

(2) This chapter does not apply to:

(a) toy paper caps containing less than one-fourth of a grain of explosive composition per cap; ~~to~~

(b) the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation; ~~to~~

(c) the military or naval forces of the United States or this state; ~~to~~

(d) peace officers; ~~or~~



